

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD A. DEAN,

Petitioner,

vs.

A.P. KANE, Warden,

Respondent.

No. C 06-2511 JSW (PR)

**ORDER DENYING CERTIFICATE OF
APPEALABILITY**

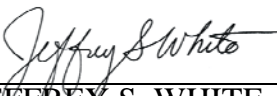
This is a parole habeas case. The Court denied the petition on the merits and Petitioner has appealed. The Ninth Circuit has remanded the case to this Court to consider whether a certificate of appealability should issue. *See Hayward v Marshall*, No. 06-55392, 2010 WL 1664977, at *5 (9th Cir. Apr. 22, 2010) (en banc) (overruling those portions of *White v. Lambert*, 370 F.3d 1002, 1004 (9th Cir. 2004), and *Rosas v. Nielsen*, 428 F.3d 1229, 1231-32 (9th Cir. 2005) (per curiam), that relieved a prisoner from obtaining a certificate of appealability to review the denial of a habeas petition challenging an administrative decision denying parole).

A judge shall grant a COA “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). Petitioner has not shown that “reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). For the reasons set forth in this Court’s order denying habeas relief on the merits, Petitioner’s request for a certificate of appealability is DENIED. The Clerk shall promptly transmit a

1 copy of this order to the United States Court of Appeals for the Ninth Circuit.

2 IT IS SO ORDERED.

3 DATED: June 24, 2010

4 
JEFFREY S. WHITE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

RICHARD A. DEAN,
Plaintiff,

Case Number: CV06-02511 JSW

CERTIFICATE OF SERVICE

v.

A.P.KANE et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 24, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Richard A. Dean
E87707
P.O. Box 689
Soledad, CA 93960

Dated: June 24, 2010



Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk